

Lance C. Wells
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

USA,)
Plaintiff,)
)
vs.)
)
MITCHELL ASHER,)
Defendant.)
_____)

Case No. F05-036 CR (RRB)

AFFIDAVIT OF COUNSEL

Lance C. Wells having been duly sworn deposes and states as follows:

1. I am the attorney of record for the defendant named above.
2. I make this affidavit in support of the non-opposed motion to continue the change of plea date filed on shortened time.
3. Counsel for Defendant and counsel for the Government AUSA Cooper are still awaiting documents regarding amounts of loss from the State of Florida. It is imperative that we have this information in order to be able to arrive at restitution figures etc. as well as terms under the plea agreement and to which counts the defendant will be pleading guilty to.
4. That I spoke with AUSA Cooper on 3/1/06, at which time he non-opposed the filing of this motion and indicated to me that his FBI case agent should have the information to him within the next week to two weeks.

5. Counsel for defendant is out of state 3/15-28/2006.
6. It is requested that the COP be set over until the end of April, 2006. This will allow the parties time to finalize the plea agreement including all of its terms and conditions. There will not be a trial in this matter.
7. The COP is currently scheduled for March 3, 2006, in Fairbanks. It is requested that this date be vacated and reset in Fairbanks toward the end of April 2006.
8. Further Your Affiant Sayeth Naught.

Dated: 3/1/06

s/ Lance C. Wells
Attorney for Defendant
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s/Sharon Leipi,
Notary in and for Alaska,
My Commission Expires: 6/8/06

Certificate of Service

That on the 1st day of March, 2006, a copy of this document was served by electronic filing upon AUSA Cooper via electronic transmission.

By: s/Lance C. Wells